

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

TIMOTHY J. LUCEY (CABN 172332)
Assistant United States Attorney
450 Golden Gate Ave., Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: Timothy.Lucey@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 09 - 01195 JF
)	
Plaintiff,)	STIPULATION AND
)	[PROPOSED] ORDER
v.)	
)	
RODNEY HATFIELD, et al.,)	
)	
Defendants.)	

WHEREAS, the government has produced in excess of 60,000 pages of discovery to counsel for the defendants, and where the discovery includes financial records, trading records, and emails, such that the matter is considered complex under 18 U.S.C. § 3161(h)(8)(B)(ii);

WHEREAS, counsel for the defendants need sufficient time to review the discovery, in order to effectively prepare for the defense of this matter, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv);

WHEREAS, counsel for defendant Rodney Hatfield is set to appear in another matter in the California Superior Court, such that the need for a continuance based on continuity of defense counsel also exists, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv);

WHEREAS, counsel for the parties jointly agree and stipulate that a continuance of this

1 matter is appropriate given the and the need for effective preparation of counsel and where the
 2 next available date where all counsel are available is June 16, 2011, such that there is a need for a
 3 continuance to such date based on continuity of counsel, pursuant to 18 U.S.C. §
 4 3161(h)(7)(B)(iv);

5 THEREFORE, the parties mutually and jointly stipulate that the matter should be
 6 continued, based on the complexity of this case, the need for effective preparation of counsel, and
 7 the need for continuity of counsel, and the parties jointly request that the Court continue the
 8 matter until **Thursday, June 16, 2011, at 9:00 a.m.**

9 The parties agree that continuing the case until June 16, 2011, is necessary, given the
 10 complexity of the case, the need for defense counsel to review and analyze a large amount of
 11 discovery, and the need to maintain continuity of counsel. The parties also agree that failing to
 12 grant a continuance would deny counsel for the defense the reasonable time necessary for
 13 effective preparation and continuity of counsel, taking into account the exercise of due diligence.
 14 See 18 U.S.C. § 3161(h)(7)(B)(iv).

15 The parties also agree, and the Court has found previously, that the case involves
 16 government allegations of a complicated fraud scheme with substantial evidence, both paper and
 17 electronic, and that thus “the case is so unusual or so complex, due to . . . the nature of the
 18 prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect
 19 adequate preparation for pretrial proceedings or for the trial itself within the time limits
 20 established” by the Speedy Trial Act. See 18 U.S.C. § 3161(h)(8)(7)(ii).

21 Finally, the parties agree that the ends of justice served by excluding time from April 7,
 22 2011, until June 16, 2011, outweigh the best interest of the public and the defendant in a
 23 speedy trial. Id. § 3161(h)(A).

24 **STIPULATED:**

25
 26 DATED: April 6, 2011

/s/
 GEOFFREY A. BRAUN
 Attorney for RODNEY HATFIELD

1 DATED: April 6, 2011

/s/
VARELL L. FULLER
Assistant Federal Public Defender
Attorney for LLOYD MYERS

4 DATED: April 6, 2011

/s/
TIMOTHY J. LUCEY
Assistant United States Attorney

7 **ORDER**

8 For good cause shown, the Court continues the matter until **Thursday, June 16, 2011, at**
9 **9:00 a.m.**

10 The Court enters this order excluding time from April 7, 2011, up to and including June
11 16, 2011. Specifically, the parties agree, and the Court finds and holds that such that time should
12 be excluded until June 16, 2011, and furthermore that failing to grant a continuance until June
13 16, 2011, would unreasonably deny the defendant continuity of counsel, and also would deny
14 defense counsel the reasonable time necessary for effective preparation, taking into account the
15 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

16 The parties also agree, and the Court finds and holds, that the case involves government
17 allegations of a complicated fraud scheme with substantial evidence, both paper and electronic,
18 and that thus “the case is so unusual or so complex, due to . . . the nature of the prosecution, or
19 the existence of novel questions of fact or law, that it is unreasonable to expect adequate
20 preparation for pretrial proceedings or for the trial itself within the time limits established” by the
21 Speedy Trial Act. See 18 U.S.C. § 3161(h)(8)(B)(ii).

22 Finally, the parties agree, and the Court finds and holds, that the ends of justice served by
23 excluding time from April 7, 2011, through June 16, 2011, outweigh the best interest of the
24 public and the defendant in a speedy trial. Id. § 3161(h)(A).

25 **IT IS SO ORDERED.**

26
27 DATED: 4/12/11


HON. JEREMY FOGEL
United States District Judge